



# PORTFOLIO COMMITTEE ON FORESTRY, FISHERIES AND THE ENVIRONMENT

## UPDATE ON THE ALLOCATION OF SMALL- SCALE FISHING RIGHTS IN THE WESTERN CAPE

**27 FEBRUARY 2024**



forestry, fisheries  
& the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA



# PRESENTATION OUTLINE

1. Problem Statement
2. Remedial Action
3. Court Decision
4. New Process Followed:
  - a) Application Process
  - b) Appeals Process and Appeal Outcomes
  - c) Support Provided
5. Way Forward



# PROBLEM STATEMENT

- Following the 2016-19 verification process of Small-Scale Fishers in the Western Cape, the Department and the Minister received multiple complaints from community members about the lack of fairness, transparency and accuracy of the process in the Western Cape.
- This was after the Department successfully allocated 15-year fishing rights in the NC, EC and KZN.

# REMEDIAL ACTION

- The Western Cape process and its decisions were audited to respond to the received complaints. Following a comprehensive audit of the process of recognition of small-scale fishers, it was revealed that the process was irregular, unfair and flawed.
- Its irregularities ranged from deficient data capture to errors of law. As a result, thousands of small-scale fishers were verified or rejected for verification pursuant to an unlawful, unconstitutional procedure.
- In July 2022, the Minister, after extensive consultation and legal advice, approached the WC High Court to request the court to review and set aside the WC process and its related decisions.



# COURT DECISION

- On 31 August 2022, the Western Cape High Court ordered issued an order in line with the Minister's request.
- The order in summary declared the following:
  1. The applications which were made for the verification and confirmation of small-scale fishers and communities in the Western Cape were remitted to the Department of Forestry, Fisheries and Environment and the Applicant for decision.
  2. Those people listed in Annexure "B" to the Order were entitled to make applications for the verification and confirmation of their status as small-scale fishers, in accordance with directions to be issued by the Department.
  3. Pending the outcome of the verification and recognition process envisaged, all the small-scale fishing rights currently held by persons listed in Annexure "A" to the Notice of Motion, and Annexure "B" to this Order remain in force and effect.



# NEW PROCESS FOLLOWED: APPLICATION PROCESS

- In September 2022, the Department commenced with mobilization to inform people about the new process of registration and verification.
- From 26 September to 7 October 2022, the Department distributed verification forms to communities with the original 8 500 people as per the court order.
- Necessary support and sufficient timeframes were provided to fishing communities to participate in the new WC SSF rights allocation process.
- More than 84% of all the applicants were declared successful as small-scale fishers.



# PROCESS FOLLOWED: APPEALS PROCESS AND OUTCOMES

- A total of 461 unsuccessful applicants appealed against the decision, in terms of section 80 of the Marine Living Resources Act No. 18 of 1998 (MLRA), read with Regulation 5 of the MLRA Regulations.
- Out of 461 appellants, a total of 431 appeals were upheld. This constituted 93,5% successful rate on appeal.
- Therefore, the overall success rate on the declaration of small-scale fishers in the Western Cape is 96,3% from all those who participated. This amounts to a total of 3 857 declared small-scale fishers in the Western Cape.
- This is a significant improvement in the success rate as compared to the initial process that constituted less than 22% success rate.



# **NEW PROCESS FOLLOWED: RIGHTS APPLICATION AND SUPPORT**

- From 15 May to 12 June 2023, the Department conducted two-day compulsory training sessions with 88 declared SSF communities.
- 62 small-scale fishing co-operatives were registered with the Companies and Intellectual Property Commission (CIPC) and all the co-operatives were assisted with the rights application process.
- SSF co-operatives were assisted to complete fishing rights application forms.
- After assessment of small-scale fishing rights application, the Delegated Authority granted 15-year Small-scale fishing rights to all 62 small-scale fishing co-operatives on 13 November 2023.
- An appeal process, as envisaged in Section 80 of the MLRA, commenced from 13 November 2023 to 31 January 2024.





# **NEW PROCESS FOLLOWED: RIGHTS APPLICATION AND SUPPORT CONTINUED**

- Rights Assessment summary:
  - ✓ Sixty-two (62) applications assessed;
  - ✓ Two (2) categories: Commercial or Own Consumption use;
  - ✓ Twelve (12) sectors (including mixed species);
  - ✓ Over 2 250 species requested and assessed; and
  - ✓ Average number of species requested per application was 30/36 species.
- Regulations further inform the process related to:
  - ✓ Request for species for commercial and own use;
  - ✓ The use of requested species for commercial and own use;
  - ✓ The apportionment of resources to co-operatives; and
  - ✓ The status of the requested species in relation to the regulations (sellable, non-sellable, prohibited, etc.).



# **NEW PROCESS FOLLOWED: RIGHTS APPLICATION AND SUPPORT CONTINUED**

- Various species allocated to small-scale fishing co-operatives.
- These include Squid (up to 25%); Seaweed (14 concession areas); WCRL (50% Nearshore, 20% Offshore); Hake hand line, net fish, Line-fish and 100% of Oysters and White Mussels, etc.
- Further suggestions on species to be considered are welcome.
- The Department is finalising a gazette for public comment regarding the intentions of the Department on the Abalone fishing rights.
- The Department is investigating ways of increasing the basket of species, support and other supplementary livelihoods.



# NEW PROCESS FOLLOWED: SUPPORT PROVIDED

- In addition to significant improvement communication and transparency and daily support in communities, the following was in place:
  - All documents were translated to relevant local languages and further explained in community meetings.
  - The 62 co-operatives were assisted to open bank accounts in preparation of their West coast Rock Lobster (WCRL) fishing season.
  - Through partnerships, the Department has facilitated several interventions to date, and these include, but are not limited to:
    - All small-scale fishing co-operatives have received training on basic fisheries-related business skills, financial management and sea-safety. This targeted the board of directors of all co-operatives;
    - The Department signed and is implementing MoU's with DSBD and Oceana Maritime Academy. Various training interventions have been implemented through these MoU's; and
    - The Department is in the process of signing an MoU with National Development Agency.



# **NEW PROCESS FOLLOWED: SUPPORT PROVIDED CONTINUED**

- Mentorship Programme:
  - ✓ The Department has appointed a total of 110 mentors that are being deployed to 110 co-operatives in the four provinces.
  - ✓ An additional 90 mentors will be appointed to deploy mentors to all small-scale fishing co-operatives in South Africa.
  - ✓ Mentors will be stationed in each co-operative area and will focus on the business development of the co-operatives and other interventions.
  - ✓ Parallel to deployment, mentors are currently being further capacitated to provide effective support to small-scale fishing co-operatives.
  - ✓ Mentors training plan commenced in November 2023.



# WAY FORWARD

- The Department is currently recruiting more than 800 people to be employed by the Department to:
  - ✓ Assist with catch data monitoring of all fish landed by recreational, small-scale and commercial sectors.
    - The Department is targeting 600 people from fishing communities.
- For the 2024/25 financial year, the Department will facilitate the establishment of co-management structures in all four (4) provinces.
- The Department will intensify its facilitation of support interventions to small-scale fishing co-operatives.



# THANK YOU!

Fisheries Management Branch  
Department of Environment, Forestry and Fisheries  
Tel: 021 402 3564 |  
Mobile: 082 371 6088  
Website: <http://www.environment.gov.za>

Address: Foretrust Building, Martin Hammerslag Way, Foreshore, Cape Town

Thank You



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